

1 COHO CONSIDERATIONS, 1999

2 Proposed Rule Language

3 TEXT OF MODIFIED REGULATIONS

4 [Notice circulated June 27, 2000]

5 **Amend 14 CCR § 895.1 Definitions**

6 [amend the following definition in appropriate alphabetical listing]

7 "Plan" means:

8 (a) Timber Harvesting Plan (THP) as described in PRC 4582.

9 (b) Nonindustrial Timber Management Plan (NTMP) as described in PRC
10 4593.2(e).

11 (c) Sustained Yield Plan (SYP) as described in 14 CCR 1091.1 and
12 1091.2.

13 (d) Program Timber Harvesting Plan (PTHP) as described in 14 CCR 1092
14 and 1092.1.

15
16 **Alternative 1**

17 "Plan" means:

18 (a) Timber Harvesting Plan (THP) as described in PRC 4582.

19 (b) Nonindustrial Timber Management Plan (NTMP) as described in PRC
20 4593.2(e).

21 ~~(c) Sustained Yield Plan (SYP) as described in 14 CCR 1091.1 and~~
22 ~~1091.2.~~

23 ~~(d)~~(c) Program Timber Harvesting Plan (PTHP) as described in 14 CCR
24 1092 and 1092.1.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4526, 4551, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal. Code of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

Amend 14 CCR §§ 916.4, 936.4, and 956.4 Watercourse and Lake Protection

(a) The RPF or supervised designee shall conduct a field examination of all lakes and watercourses and shall map all lakes and watercourses which contain or conduct Class I, II, III or IV waters. As part of this field examination, the RPF or supervised designee shall evaluate areas near, and areas upslope of, watercourses and lakes for sensitive conditions including, but not limited to, ~~use of~~ existing and proposed roads/skidtrails and landings within the standard WLPZ width, unstable and erodible watercourse banks, unstable upslope areas, degraded riparian forest, debris jam potential, flow capacity and changeable channels, overflow channels, and flood prone areas. The RPF shall consider these conditions when proposing WLPZ widths and protection measures, including retention and restoration of sustainable riparian forest. The THP or other planning document shall identify such conditions, including where they may interact with proposed timber operations, ~~to~~ that individually or cumulatively significantly and adversely affect the beneficial uses of water, and shall describe and locate measures to protect and restore the beneficial uses of water. The mapping of these identified conditions and their protective measures shall be done at a scale of at least 1":200'. In site-specific cases, the mapping of critical locations of corrective work and logging operation impacts shall be done at a scale of at

1 least 1":20' when the Director determines it is necessary to evaluate the plan.
2 The evaluation and mapping shall, at a minimum, include the known location and
3 restorable extent of spawning and rearing habitat of both anadromous and
4 resident salmonids. Habitat typing for all current and restorable habitat for
5 these fish species shall be part of the plan. The RPF(s) and supervised
6 designee(s) that perform the described tasks shall be adequately trained in the
7 required identification, evaluation, mitigation, and mapping skills.

8
9 **SUBSECTION (a) ALTERNATIVE 1**

10 (a) The RPF or supervised designee shall conduct a field examination of
11 all lakes and watercourses and shall map all lakes and watercourses which
12 contain or conduct Class I, II, III or IV waters. As part of this field
13 examination, the RPF or supervised designee shall evaluate areas near, and
14 areas upslope of, watercourses and lakes for sensitive conditions including,
15 but not limited to, ~~use of~~ existing and proposed roads/skidtrails and landings
16 ~~within the standard WLPZ width,~~ unstable and erodible watercourse banks,
17 unstable upslope areas, degraded riparian forest, debris jam potential, flow
18 capacity and changeable channels, overflow channels, and flood prone areas.
19 The RPF shall consider these conditions when proposing WLPZ widths and
20 protection measures, including retention and restoration of sustainable
21 riparian forest. The THP or other planning document shall identify such
22 conditions, including where they may interact with proposed timber operations,
23 ~~to~~ that individually or cumulatively significantly and adversely affect the
24 beneficial uses of water, and shall describe and locate measures to protect and
25 restore the beneficial uses of water. The mapping of these identified
conditions and their protective measures shall be done at a scale of at least

1 1":200'. In site-specific cases, the mapping of critical locations of
2 corrective work and logging operation impacts shall be done at a scale of at
3 least 1":20' when the Director determines it is necessary to evaluate the plan.
4

5 **SUBSECTION (a) ALTERNATIVE 2**

6 (a) The RPF or supervised designee shall conduct a field examination of
7 all lakes and watercourses and shall map all lakes and watercourses which
8 contain or conduct Class I, II, III or IV waters. As part of this field
9 examination, the RPF or supervised designee shall evaluate areas near, and
10 areas upslope of, watercourses and lakes for sensitive conditions including,
11 but not limited to, ~~use of~~ existing and proposed roads/skidtrails and landings
12 ~~within the standard WLPZ width,~~ unstable and erodible watercourse banks,
13 unstable upslope areas, degraded riparian forest, debris jam potential, flow
14 capacity and changeable channels, overflow channels, and flood prone areas.
15 The RPF shall consider these conditions when proposing WLPZ widths and
16 protection measures, including retention and restoration of sustainable
17 riparian forest. The THP or other planning document shall identify such
18 conditions, including where they may interact with proposed timber operations,
19 ~~to~~ that individually or cumulatively significantly and adversely affect the
20 beneficial uses of water, and shall describe and locate measures to protect and
21 restore the beneficial uses of water. The mapping of these identified
22 conditions and their protective measures shall be sufficiently clear and
23 detailed to permit the Director and the other review team representatives to
24 evaluate the potential environmental impacts of timber operations required by
25 the Act and rules. The evaluation and mapping shall, at a minimum, include
the known location and restorable extent of spawning and rearing habitat of

1 both anadromous and resident salmonids. Habitat typing for all current and
2 restorable habitat for these fish species shall be part of the plan. The
3 RPF(s) and supervised designee(s) that perform the described tasks shall be
4 adequately trained in the required identification, evaluation, mitigation, and
5 mapping skills.

6
7 **SUBSECTION (a) ALTERNATIVE 3 (from Interim Committee discussions)**

8 (a) The RPF or supervised designee shall conduct a field examination of
9 all lakes and watercourses and shall map all lakes and watercourses which
10 contain or conduct Class I, II, III or IV waters.

11 (1) As part of this field examination, the RPF or supervised designee
12 shall evaluate areas near, and areas upslope of with the potential to directly
13 impact, watercourses and lakes for sensitive conditions including, but not
14 limited to, ~~use of~~ existing and proposed roads, skidtrails and landings within
15 the standard WLPZ width, unstable and erodible watercourse banks, unstable
16 upslope areas, ~~degraded riparian forest,~~ debris jam potential, inadequate flow
17 capacity, ~~and~~ changeable channels, overflow channels, ~~and~~ flood prone areas,
18 and riparian zones wherein the values set forth in 14 CCR §§ 916.4(b),
19 936.4(b), and 956.4(b) are impaired. The RPF shall consider these conditions,
20 and those measures needed to maintain, and restore to the extent feasible, the
21 functions set forth in 14 CCR §§ 916.4(b), 936.4(b), and 956.4(b), when
22 proposing WLPZ widths and protection measures, ~~including retention and~~
23 ~~restoration of sustainable riparian forest.~~ The ~~TWP~~ or other planning document
24 plan shall identify such conditions, including where they may interact with
25 proposed timber operations, ~~to~~ that individually or cumulatively significantly
and adversely affect the beneficial uses of water, and shall describe and

1 locate measures to protect and restore to the extent feasible, the beneficial
2 uses of water. In proposing, reviewing, and approving such measures,
3 preference shall be given to measures that are onsite, or to offsite measures
4 where sites are located to maximize the benefits to the impacted portion of a
5 watercourse or lake.

6 (2) As part of this field examination, the RPF or supervised designee
7 shall map the location of spawning and rearing habitat for anadromous
8 salmonids, and the condition of the habitat shall be evaluated using Department
9 of Fish and Game publication "California Salmonid Stream Habitat Restoration
10 Manual", Flosi, et al., 1998. The opportunity for habitat restoration shall be
11 described within the plan for each Class I watercourse, and for each Class II
12 watercourse that can be feasibly restored to a Class I.

13 (3) The mapping of conditions identified subsection (a)(1) and (a)(2)
14 above, and their protective measures, shall be sufficiently clear and detailed
15 to permit the Director and the other review team representatives to evaluate
16 the potential environmental impacts of timber operations, the proposed
17 mitigation measures and the proposed restoration measures.

18 (4) The mapping of conditions identified subsection (a)(1) and (a)(2)
19 above, and their protective measures, shall be sufficiently clear and detailed
20 to provide direction and clear guidance to the timber operator.

21 (5) The mapping of ~~these identified~~ conditions identified in 14 CCR §
22 916.4 [936.4, 956.4] subsections (a)(1) and (a)(2), and their protective and
23 restoration measures, ~~shall~~ should be done at a scale of 1:2,400 ~~at least~~
24 ~~1"=200'~~. In site-specific cases, the mapping of critical locations of
25 corrective work and logging operation impacts shall be done at a scale of at
least 1:240 ~~1"=20'~~ when the Director determines it is necessary to evaluate the

1 ~~plan.— The evaluation and mapping shall, at a minimum, include the known~~
2 ~~location and restorable extent of spawning and rearing habitat of both~~
3 ~~anadromous and resident salmonids. Habitat typing for all current and~~
4 ~~restorable habitat for these fish species shall be part of the plan. The~~
5 ~~RPF(s) and supervised designee(s) that perform the described tasks shall be~~
6 ~~adequately trained in the required identification, evaluation, mitigation, and~~
7 ~~mapping skills.~~

8 (6) The RPF(s) that prepares the plan shall not perform or supervise the
9 performance of those tasks described in 14 CCR § 916.4 [936.4, 956.4]
10 subsection (a)(1) through (a)(5) for which he or she is not competent by
11 training or experience to perform pursuant to 14 CCR § 1602(b).

12
13 **SUBSECTION (a) ALTERNATIVE 4 (from Richard Gienger, 4/27/2000)**

14 (a) The RPF or supervised designee shall conduct a field examination of
15 all lakes and watercourses and shall map all lakes and watercourses which
16 contain or conduct Class I, II, III or IV waters. As part of this field
17 examination, the RPF or supervised designee shall evaluate areas near, and
18 areas upslope of with potential direct impact to, watercourses and lakes for
19 sensitive conditions including, but not limited to, ~~use of~~ existing and
20 proposed roads/skidtrails and landings within the standard WLPZ width, unstable
21 and erodible watercourse banks, unstable upslope areas, degraded riparian
22 forest, debris jam potential, inadequate flow capacity, ~~and~~ changeable
23 channels, overflow channels, ~~and~~ flood prone areas, riparian forest, and
24 riparian zones wherein the values set forth in 14 CCR § 916.4(b) [936.4(b),
25 956.4(b)] are impaired.

1 The RPF shall consider these conditions, and those measures needed to
2 maintain, and restore to the extent feasible, the functions set forth in 14 CCR
3 § 916.4(b) [936.4(b), 956.4(b)], when proposing WLPZ widths and protection
4 measures, ~~including retention and restoration of sustainable riparian forest.~~
5 The ~~THP or other planning document~~ plan shall identify such conditions,
6 including where they may interact with proposed timber operations, ~~to~~ that
7 individually or cumulatively significantly and adversely affect the beneficial
8 uses of water, and shall describe and locate measures to protect and restore to
9 the extent feasible, the beneficial uses of water.

10 (1) The location of spawning and rearing habitat for anadromous salmonids
11 shall be mapped, and the condition of the habitat shall be evaluated using the
12 Department of Fish and Game publication "California Salmonid Stream Habitat
13 Restoration Manual", Flosi, et al., 1998. The opportunity for habitat
14 restoration and/or watercourse, riparian, and upslope stabilization shall be
15 described for each affected watercourse, channel migration zone, or watercourse
16 protection buffer, within the plan.

17 (2) The mapping and documentation of these identified conditions and any
18 protection and mitigation measures shall be sufficiently clear and detailed to
19 permit the Director, the other review team representatives, and the public to
20 evaluate the potential impacts of timber operations, the proposed mitigation
21 and restoration measures; provide clear guidance to the timber operator; and
22 enable effective monitoring of conditions and measures. The documentation
23 shall include at least one set of photocopies of the most recent stereo aerial
24 photographs of the plan and watershed assessment areas, and preferably include
25 a second set of the same areas from a period of the highest adverse impacts to

those areas. The inclusion of other useful graphic documentation is encouraged and may be required by the Director.

(3) Typically, the mapping of these identified conditions and their protection and restoration measures shall be done at a scale of 1:2,400 at least 1":200'. In site-specific cases, the mapping of critical locations of corrective work and potential adverse logging operation impacts shall be done at a scale of at least 1:240 1":20' when the Director determines it is necessary to evaluate the plan or to ensure adequate plan implementation and monitoring. The evaluation and mapping shall, at a minimum, include the known location and restorable extent of spawning and rearing habitat of both anadromous and resident salmonids. Habitat typing for all current and restorable habitat for these fish species shall be part of the plan. The RPF(s) and supervised designee(s) that perform the described tasks shall be adequately trained in the required identification, evaluation, mitigation, and mapping skills.

(b) The standard width of the WLPZ and/or the associated basic protection measures shall be determined from Table I (14 CCR 916.5), [936.5, 956.5] or Section 916.4(c) [956.4(c), 956.4(c)], and shall be stated in the THP, NTMP, or SYP. A combination of the rules, the THP, NTMP, or SYP, and mitigation measures shall provide protection for the following:

- a. Water temperature control.
- b. Streambed and flow modification by large woody debris.
- c. Filtration of organic and inorganic material.
- d. Upslope stability.
- e. Bank and channel stabilization.

1 f. Spawning and rearing habitat for salmonids

2 g. Vegetation structure diversity for fish and wildlife habitat,
3 possibly including but not limited to:

- | | |
|--|------------------------------|
| 4 1. Vertical diversity | 5. Microclimate modification |
| 5 2. Migration corridor | 6. Snags |
| 6 3. Nesting, roosting, and escape | 7. Surface cover |
| 7 4. Food abundance | |

8
9 (1) Measures and the appropriate zone widths for the protection of the
10 State's waters which have been taken from Table I (14 CCR 916.5), [936.5,
11 956.5] or developed under Section 916.4(c) [936.4(c), 956.4(c)] shall be
12 stated in the THP.

13 (2) All timber operations shall conform to the marking, flagging and
14 other identification of protective measures specified in CCR 916.4 [936.4,
15 956.4] and 916.5 [936.5, 956.5] and the THP. Conformance shall be determined
16 based on the evaluation of no less than a 200 foot lineal segment of each
17 watercourse or lake.

18 (3) The width of the WLPZ shall be measured along the surface of the
19 ground from the watercourse or lake transition line or in the absence of
20 riparian vegetation from the top edge of the watercourse bank.

21 (4) Slopes shall be measured in percent for the proposed WLPZ. If
22 topography within the proposed WLPZ is variable, segments of the proposed
23 WLPZ should be segregated by slope class as indicated in Table I 14 CCR 916.5
24 [936.5, 956.5].

25 (5) If requested by either party, and after on-the-ground inspection,
the RPF and the Director may increase or decrease the width of a proposed
WLPZ. A decrease shall not exceed 25 percent of the width as determined by
the procedure prescribed in Sections 14 CCR 916.4(c) [936.4(c), 956.4(c)],
and 916.5 [936.5, 956.5]. Such changes in zone width shall be based on
considerations of soil, slope, climatic factors, biologic, hydrologic, and
geologic values listed in Section 14 CCR 916.4(b) [936.4(b), 956.4(b)],
silvicultural methods, yarding systems, road location, and site preparation
activities. In no case shall the width be adjusted to less than 50 feet for
Class I and II waters. Where soil surfaced roads exist within the standard
WLPZ, no in-lieu reduction of WLPZ width shall be approved.

 (6) Within the WLPZ, at least 75% surface cover and undisturbed area
shall be retained to act as a filter strip for raindrop energy dissipation,
and for wildlife habitat. This percentage may be adjusted to meet site
specific conditions when proposed by the RPF and approved by the Director or
where broadcast burning is conducted under the terms of a project type
burning permit and in compliance with 14 CCR 915.2(b) [935.2(b), 955.2(b)].

1 (c) The protection and WLPZ widths for Class III and Class IV waters
2 shall prevent the degradation of the downstream beneficial use of water and
3 shall be determined on a site-specific basis.

4 (1) Where operations occur adjacent to Class III watercourses, the RPF
5 shall designate in the THP an equipment limitation zone (ELZ) of at least 25
6 feet where sideslope steepness is less than 30% and at least 50 feet where
7 sideslope steepness is 30% or greater unless explained and justified
8 otherwise in the THP and approved by the director. Class III watercourses
9 within logging areas where the EHR is Low and the slopes are less than 30%
10 shall not require an ELZ unless proposed by the RPF or required by the
11 Director. The RPF shall describe the limitations on the use of heavy
12 equipment in the THP. Where appropriate to protect the beneficial uses of
13 water the RPF shall describe additional protection measures which may include
14 surface cover retention, vegetation protection and timber falling
15 limitations. The location of the areas of heavy equipment use in any ELZ
16 shall be clearly described in the plan, or flagged or marked on the ground
17 before the preharvest inspection. When necessary to protect the beneficial
18 use of water, the RPF shall designate and the Director may require a WLPZ for
19 Class III and Class IV waters or an ELZ for Class IV waters.

20 (2) The width of the WLPZ for Class III and IV waters shall be
21 determined from on-site inspection. Minimum protective measures required
22 when Class III and Class IV protection zones are necessary are contained in
23 Table I 14 CCR 916.5 [936.5, 956.5].

24 (3) Soil deposited during timber operations in a Class III watercourse
25 other than at a temporary crossing shall be removed and debris deposited
during timber operations shall be removed or stabilized before the conclusion
of timber operations, or before October 15. Temporary crossings shall be
removed before the winter period, or as approved by the Director.

(4) When approved by the Director on an individual plan basis as
provided in Section 14 CCR 916.4(c)(1) [936.4(c)(1), 956.4(c)(1)] Class IV
waters shall be exempted from required protection when such protection is
inconsistent with the management objectives of the owner of the manmade
watercourse.

(d) Heavy equipment shall not be used in timber falling, yarding, or
site preparation within the WLPZ unless such use is explained and justified
in the THP and approved by the Director.

(e) Flagging for heavy equipment use within the WLPZ adjacent to Class
I waters and for all tractor road watercourse crossings of all watercourses
must be completed before the preharvest inspection if one is conducted or
start of operations, whichever comes first. Flagging for heavy equipment
use within the WLPZ adjacent to Class II, III and IV waters may be done at
the option of the RPF or as required by the Director on a site-specific
basis.

(f) Subsection (d) does not apply to (1)-(4) below. Subsection (e)
does not apply to (2)-(4) below.

(1) At prepared tractor road crossings as described in 914.8(b)
[934.6(b), 954.8(b)].

(2) Crossings of Class III watercourses which are dry at the time of
timber operations.

(3) At existing road crossings.

1 (4) At new tractor and road crossings approved as part of the Fish and
2 Game Code Process (F&GC 1600 et seq.).

3 Note: Authority cited: Sections 4551, 4553, 4562.7 and 21000(g), Public
4 Resources Code. Reference: Sections 4512, 4513, 4551.5 and 21001(f), Public
5 Resources Code; Sections 1600 and 5650(c), Fish and Game Code; Sections 100,
6 13000 and 13050(f), Water Code, and 33 USC Section 1288(b)(2)(F).

7 doh: 6/23/2000

8 File: Findings\99 COHO Considerations\15-Day Notice Language
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